

REMARKS

Applicants elect, with traverse, Group I – claims 1-11 and 31-35.


Restriction is only proper if the identified groups are independent or distinct. The burden is on the Office to provide reasons and/or examples to support its conclusion that the identified groups are independent or distinct. M.P.E.P. § 803.

By restricting claims 12-27 into a single group (Group II), the Office maintains that claims 26 and 27, which are drawn to compositions for inactivating a TSE agent, are not patentably distinct from other claims of Group II, which are drawn to a method of sterilizing apparatus. The Office has not provided reasons and/or examples to show that claims 26 and 27 are patentably distinct from claims of Group I. Applicants suggest that claims 26 and 27 should be examined with the claims of Group I because claim 1 of Group I contemplates use of a composition comprising a thermostable proteolytic enzyme, which is the subject matter of claims 26 and 27. Applicants believe that the Office would not be unduly burdened by searching Group I and claims 26 and 27 of Group II together. Applicants respectfully request withdrawal of the restriction of Groups I and II to the extent that Group I and claims 26 and 27 of Group II be examined together. 4/25/06

Applicants submit that the application is now ready for examination on the merits. Early notice of such action is respectfully requested.

Respectfully submitted,

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